

AMENDED IN SENATE MAY 2, 2013  
AMENDED IN SENATE APRIL 23, 2013  
AMENDED IN SENATE APRIL 4, 2013

**SENATE BILL**

**No. 123**

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**Introduced by Senator Corbett**

January 18, 2013

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An act to add Article 2 (commencing with Section 69540) to Chapter 5 of Title 8 of the Government Code, *to amend Section 21191 of the Public Resources Code, and to amend Section 5106 of the Vehicle Code*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 123, as amended, Corbett. Environmental and land use court.

~~Existing~~

(1) *Existing* law establishes a statewide system of courts with a superior court of one or more judges in each county. Existing law requires the presiding judge of each superior court to distribute the business of the court among the judges, and to prescribe the order of business, subject to the rules of the Judicial Council.

This bill would, commencing July 1, 2014, require the Judicial Council to direct the creation of an environmental and land use division within 2 or more superior courts within each of the appellate districts of the state to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. The bill would require the Judicial Council, by rule of court, to identify statutes in those specified areas that would be within the jurisdiction of the

environmental and land use court division. The bill would require the Judicial Council, by rule of court, to establish appropriate standards and protocols for the environmental and land use court division to accomplish the objectives of consistency, expediency, and expertise, including educational requirements and other qualifications for specialized judges assigned to the division.

*(2) Existing law authorizes the issuance of environmental license plates, as defined, for vehicles, upon application and upon payment of certain fees. Existing law requires all revenue derived from the fees for issuance, renewal, retention, duplication, and transfer of the plates to be deposited in the California Environmental License Plate Fund in the State Treasury.*

*Existing law requires the Legislature to make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council, which is submitted to the Governor and the Legislature.*

*This bill would increase the fees for the issuance, renewal, retention, duplication, and transfer of environmental license plates by \$10. The bill would create the Environmental and Land Use Court Support Account within the California Environmental License Plate Fund. The bill would, notwithstanding the above-described provisions pertaining to the annual appropriation to the Judicial Council or any other law, authorize the Controller to transfer \$10 of each fee collected for an environmental license plate on or after January 1, 2014, to the Environmental and Land Use Court Support Account for the exclusive use, upon appropriation by the Legislature, of the Judicial Council to supplement funding for the operation of the environmental and land use court division. The bill would also make conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 2 (commencing with Section 69540) is  
2 added to Chapter 5 of Title 8 of the Government Code, to read:

3

4 Article 2. Environmental and Land Use Court

5

6 69540. (a) The Legislature finds and declares all of the  
7 following:

1 (1) According to the World Resources Institute report entitled,  
2 “Greening Justice: Creating and Improving Environmental Courts  
3 and Tribunals” (2009), the number of courts and tribunals  
4 specializing in environmental issues doubled during the past  
5 decade, prompted by increasingly complex regulations and growing  
6 concerns about natural resources.

7 (2) Environmental issues are often complex and fragmented,  
8 and conflicting aspects of environmental management and  
9 protection have made it difficult for governments, developers,  
10 communities, and advocacy groups to achieve consistent and  
11 long-range sustainable development. This has resulted in pressures  
12 to streamline and rationalize the adjudication and enforcement  
13 process and increase access to justice around the world.

14 (3) California’s environmental and land use court cases should  
15 be decided by specialized judges trained in environmental and land  
16 use law, and whose decisions would be documented and published.

17 (4) It is important to continue California’s commitment to  
18 ensuring an unbiased judicial selection process.

19 (5) The creation of an environmental and land use court can  
20 maximize both judicial competence and the speed of  
21 decisionmaking, allowing litigants to have their cases heard and  
22 an effective remedy delivered quickly.

23 (b) Accordingly, it is the intent of the Legislature to establish  
24 an environmental and land use division within the superior courts  
25 selected by the Judicial Council to expedite civil proceedings  
26 within the jurisdiction of the division, with more consistent rulings  
27 and better outcomes for all parties of interest.

28 69542. (a) The Judicial Council shall direct the creation of an  
29 environmental and land use division within two or more superior  
30 courts within each of the appellate districts of the state to process  
31 all civil proceedings subject to this article.

32 (b) A civil proceeding subject to this article may be filed at a  
33 superior court within the county in which the claim arises, but the  
34 civil proceeding shall be transferred to the nearest superior court  
35 within the same appellate district that has established an  
36 environmental and land use division pursuant to this article.

37 (c) Both of the following shall be subject to this article:

38 (1) A civil proceeding brought pursuant to the California  
39 Environmental Quality Act (Division 13 (commencing with Section  
40 21000) of the Public Resources Code).

(2) A civil proceeding brought in any of the following subject areas:

- (A) Air quality.
- (B) Biological resources.
- (C) Climate change.
- (D) Hazards and hazardous materials.
- (E) Land use planning.
- (F) Water quality.

(d) The Judicial Council shall, by rule of court, identify those statutes within the subject areas identified in paragraph (2) of subdivision (c) that are within the jurisdiction of the environmental and land use court division.

69544. The Judicial Council shall, by rule of court, establish appropriate standards and protocols for the environmental and land use court division to accomplish the objectives of consistency, expediency, and expertise identified in Section 69540, including educational requirements and other qualifications for specialized judges assigned to the division.

69546. *Notwithstanding Section 77202, upon appropriation by the Legislature, the Judicial Council may use funds from the Environmental and Land Use Court Support Account within the California Environmental License Plate Fund exclusively to supplement funding for the operation of the environmental and land use court division established in this article, including funding for judges, staff attorneys, and other court support staff, an annual training program covering the legal issues within the jurisdiction of the division, and general operating costs of the division.*

~~69545.~~

69548. This article shall become operative on July 1, 2014.

SEC. 2. *Section 21191 of the Public Resources Code is amended to read:*

21191. (a) The California Environmental License Plate Fund, which supersedes the California Environmental Protection Program Fund, is continued in existence in the State Treasury, and consists of the moneys deposited in the fund pursuant to any provision of law. The Legislature shall establish the amount of fees for environmental license plates, which shall be not less than forty-eight dollars (\$48) for the issuance or thirty-eight dollars (\$38) for the renewal of an environmental license plate.

(b) Notwithstanding Section 77202 of the Government Code or any other law, in addition to, and in furtherance of, the purposes specified in subdivisions (a), (b), (d), and (e) of Section 21190, the Controller shall transfer ten dollars (\$10) of each fee collected pursuant to Section 5106 of the Vehicle Code on or after January 1, 2014, to the Environmental and Land Use Court Support Account, which is hereby created within the California Environmental License Plate Fund, for use, upon appropriation by the Legislature, by the Judicial Council to supplement funding for the operation of the environmental and land use court division established in Article 2 (commencing with Section 69540) of Chapter 5 of Title 8 of the Government Code, as specified in Section 69546 of the Government Code. The amount transferred pursuant to this section shall be subject to a proportionate reduction for the reimbursement of costs of the Department of Motor Vehicles pursuant to subdivision (c).

~~(b)~~

(c) The Controller shall transfer from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund the amount appropriated by the Legislature for the reimbursement of costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. The reimbursement from the California Environmental License Plate Fund shall only include those additional costs which are directly attributable to any additional duties or special handling necessary for the issuance, renewal, or retention of the environmental license plates.

~~(e)~~

(d) The Controller shall transfer to the post fund of the Veterans' Home of California, established pursuant to Section 1047 of the Military and Veterans Code, all revenue derived from the issuance of prisoner of war special license plates pursuant to Section 5101.5 of the Vehicle Code less the administrative costs of the Department of Motor Vehicles in that regard.

~~(d)~~

(e) The Director of Motor Vehicles shall certify the amounts of the administrative costs of the Department of Motor Vehicles in subdivision (c) to the Controller.

1     ~~(e)~~

2     ~~(f)~~ The balance of the moneys in the California Environmental  
3 License Plate Fund shall be available for expenditure only for the  
4 exclusive trust purposes specified in Section 21190, upon  
5 appropriation by the Legislature. However, all moneys derived  
6 from the issuance of commemorative 1984 Olympic reflectorized  
7 license plates in the California Environmental License Plate Fund  
8 shall be used only for capital outlay purposes.

9     ~~(f)~~

10    ~~(g)~~ All proposed appropriations for the program shall be  
11 summarized in a section in the Governor's Budget for each fiscal  
12 year and shall bear the caption "California Environmental  
13 Protection Program." The section shall contain a separate  
14 description of each project for which an appropriation is made.  
15 All of these appropriations shall be made to the department  
16 performing the project and accounted for separately.

17    ~~(g)~~

18    ~~(h)~~ The budget the Governor presents to the Legislature pursuant  
19 to subdivision (a) of Section 12 of Article IV of the California  
20 Constitution shall include, as proposed appropriations for the  
21 California Environmental Protection Program, only projects and  
22 programs recommended for funding by the Secretary of the Natural  
23 Resources Agency pursuant to subdivision (a) of Section 21193.  
24 The Secretary of the Natural Resources Agency shall consult with  
25 the Secretary for Environmental Protection before making any  
26 recommendations to fund projects pursuant to subdivision (a) of  
27 Section 21190.

28     *SEC. 3. Section 5106 of the Vehicle Code is amended to read:*

29     5106. (a) Except as provided in Section 5101.7, in addition to  
30 the regular registration fee or a permanent trailer identification  
31 fee, the applicant shall be charged a fee of ~~forty-eight dollars (\$48)~~  
32 *fifty-eight dollars (\$58)* for issuance of environmental license  
33 plates.

34     (b) In addition to the regular renewal fee or a permanent trailer  
35 identification fee for the vehicle to which the plates are assigned,  
36 the applicant for a renewal of environmental license plates shall  
37 be charged an additional fee of ~~thirty-eight dollars (\$38)~~ *forty-eight*  
38 *dollars (\$48)*. An applicant with a permanent trailer identification  
39 plate shall be charged an annual fee of ~~thirty-eight dollars (\$38)~~  
40 *forty-eight dollars (\$48)* for renewal of environmental license

1 plates. However, applicants for renewal of prisoner-of-war special  
2 license plates issued under Section 5101.5 shall not be charged  
3 the additional renewal fee under this subdivision.

4 (c) When payment of renewal fees is not required as specified  
5 in Section 4000, the holder of any environmental license plate may  
6 retain the plate upon payment of an annual fee of ~~thirty-eight~~  
7 ~~dollars (\$38)~~ *forty-eight dollars (\$48)*. The fee shall be due at the  
8 expiration of the registration year of the vehicle to which the  
9 environmental license plate was last assigned. However, applicants  
10 for retention of prisoner-of-war special license plates issued under  
11 Section 5101.5 shall not be charged the additional retention fee  
12 under this subdivision.

13 (d) Notwithstanding Section 9265, the applicant for a duplicate  
14 environmental license plate or a duplicate, replacement  
15 commemorative 1984 Olympic reflectorized license plate shall be  
16 charged a fee of ~~thirty-eight dollars (\$38)~~ *forty-eight dollars (\$48)*.